

AMENDED IN SENATE JUNE 8, 2009

AMENDED IN ASSEMBLY APRIL 20, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 521

Introduced by Assembly Member De La Torre

February 25, 2009

An act to add Section 857 to the Public Utilities Code, relating to utility property.

LEGISLATIVE COUNSEL'S DIGEST

AB 521, as amended, De La Torre. Utility property: leases for park purposes.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities. Under the existing Public Utilities Act, a public utility is required to seek commission approval prior to selling, leasing, assigning, mortgaging, or otherwise disposing of or encumbering any property necessary or useful in the performance of its duties to the public.

This bill would authorize a public utility ~~to lease that owns~~ real property acquired for purposes of obtaining a utility right-of-way, ~~to lease that property~~ to a governmental entity for purposes of ~~maintaining~~ a public park, ~~with the utility retaining a right-of-way easement if the utility will retain the use of the right-of-way for public utility purposes.~~ The bill would require the commission, in determining whether the lease is for fair value, to include the community benefits, as defined, of parks and open space as a benefit to ratepayers.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 857 is added to the Public Utilities Code, to read:

857. (a) A public utility ~~may lease that owns~~ real property acquired for purposes of obtaining a utility right-of-way, ~~may lease that property to a governmental entity for purposes of maintaining a public park, with the utility retaining a right-of-way easement.~~ *entity for purposes of a public park, if the utility retains the use of the right-of-way for public utility purposes.*

(b) In determining whether a lease of real property to a governmental entity for park purposes is for fair value, the commission shall include the community benefits of parks and open space as a benefit to ratepayers.

(c) As used in this section, “community benefits” include, but are not limited to, improving public health, protecting the environment, and increasing recreational assets.